



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,702	08/21/2001	Martin Taplan	NY-SCHT 215-US	9638

24972 7590 02/14/2005  
FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198

EXAMINER
----------

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
----------	--------------

3742

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**  
**FEB 14 2005**  
**GROUP 3700**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/935,702  
Filing Date: August 21, 2001  
Appellant(s): TAPLAN, MARTIN

---

James R. Crawford  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/21/05.

Art Unit: 3742

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on January 20, 2005 has been entered.

**(5) *Summary of Claimed Subject Matter***

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection is correct.

**(7) *Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 3742

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

GB 2 099 137 (UK Application)	Colvin	12-1982
-------------------------------	--------	---------

US 4,960,978	Lorenz	10-1990
--------------	--------	---------

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15, 16, 18-23 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin (GB 2 099 137) in view of Lorenz et al (US 4,960,978).

Colvin shows the plate structure claimed including an edge of the plate having a cross-sectional portion thicker than the thickness of the plate. However, Colvin does not show that the plate is made of glass or glass ceramic.

Lorenz et al shows a plate made of glass or glass ceramic or metal such as steel as the cooking plate for a kitchen appliance. Lorenz et al further shows that the plate is mounted on its edge to a supporting frame.

In view of Lorenz et al, it would have been obvious to one of ordinary skill in the art to adapt Colvin with the cooking plate made of glass or glass ceramic since Lorenz et al teaches that such material can be alternatively used as a cooking plate as a metal plate, and it would also have been obvious to one of ordinary skill in the art to mount the cooking plate on its peripheral edge to a mounting frame for convenient assembly of the plate and the mounting frame.

**(10) Response to Argument**

The applicant argues Colvin does not show the plate made of a glass or glass ceramic and that Lorenz which shows the glass or ceramic glass plate does not show the claimed safe-edge. The applicant further argues that Colvin teaches away from using glass or glass ceramic since it is known to have the tendency to crack and become brittle, and it would not have been obvious to combine with Lorenz which does not show the claimed safe-edge.

While it might not have been obvious to use glass or glass ceramic as the base material to make a cooktop at the time of the Colvin's invention in 1981, the examiner contends that it would have been obvious to use such glass materials in 1989 with the advancement of the ceramic technology to make the glass or glass ceramic as a suitable alternative material in place of metals to make the hotplates used in cooking appliances. This can be further shown in Lorenz which teaches the use of glass or glass ceramic in place of metals (see column 1, lines 17-27). In light of such teaching, the examiner contends that the prima facie of obviousness has been established that would have allowed one of ordinary skill in the art to modify the cooking hotplate made of iron in Colvin with other suitable materials including glass or glass ceramics that are known to make such cooking hotplates at the time of the applicant's invention.

Furthermore, Lorenz is also in the same field of endeavor which is in the field of electrical heated hotplates for cooking appliances that would have enabled one of ordinary skill in the art to look and modify the Colvin's hotplate with the glass or ceramic glass material.

With respect to claim 16, the claimed profiled portion with projections is shown in Colvin (see Figures 1 and 2).

With respect to claims 18 and 31, the claimed upper side that differs in partial areas from a planar shape is shown in Colvin.

Art Unit: 3742

With respect to claims 19 and 32, the profiled portion having a holding zone is shown in Colvin (see Figures 1 and 2).

With respect to claims 20 and 33, the round edge is shown in Colvin (see Figures 1 and 2).

With respect to claims 21 and 34, the profiled portion that runs around the plate is shown in Colvin (see Figures 1 and 2).

With respect to claim 22 and 35, the profiled portion that is rounded at the corners is shown in Colvin (see Figures 1 and 2).

With respect to claims 23 and 36, the profiled portion with elevated height over the flat upper side is shown in Colvin (see Figures 1 and 2).

With respect to claims 37 and 38, the Lorenz reference clearly teaches the cooking hotplate made of glass or glass ceramic.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Sang Y Paik  
Primary Examiner  
Art Unit 3742

Syp  
February 3, 2005

Conferees: John Jeffery



Denise Pothier



FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198